

**Draft Summary of the Plenary Group Meeting  
Oroville Facilities Relicensing (FERC Project No. 2100)  
January 28, 2003**

The Department of Water Resources hosted a meeting for the Plenary Group on January 28, 2003 in Oroville. A summary of the discussion, decisions made, and action items are provided below. This summary is not intended to be a transcript of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present a summary for interested parties who could not attend the meeting. The following are attachments to this summary.

Attachment 1	Meeting Agenda
Attachment 2	Meeting Attendees
Attachment 3	Flip Chart Notes
Attachment 4	Process Update
Attachment 5	Meeting Abstracts
Attachment 6	Tentative Study Plan Schedule for Delivery
Attachment 7	Flood Management Presentation Outline
Attachment 8	Oroville Dam – USACE Involvement
Attachment 9	Flood Operations – Oroville Facilities
Attachment 10	Sacramento and San Joaquin River Basins Comprehensive Study
Attachment 11	Yuba-Feather Supplemental Flood Control Project
Attachment 12	Relicensing Flood Management Study
Attachment 13	Process Task Force Update
Attachment 14	Resource Action Identification Form
Attachment 15	Resource Action Identification Sample
Attachment 16	Draft Operations Model Documentation

### **Welcome and Introduction**

Attendees were welcomed to the Plenary Group meeting and objectives were discussed. The Facilitator provided an overview of the meeting agenda and reminded the participants that Jim Fargo's presentation on FERC's Approach to Economics would be provided over two meetings, with today's portion conducted via teleconference and consisting of an overview discussion. The second presentation will occur at the February 25, 2003 Plenary Group meeting and will consist of FERC staff responses to specific questions posed by participants during today's meeting. The Facilitator asked if the participants had any suggested changes to the agenda. The participants had no suggested changes. The meeting agenda and list of attendees with their affiliations are appended to this summary as Attachments 1 and 2, respectively. Meeting flip chart notes are included as Attachment 3.

### **Process Update**

#### *Where We Are in the Process*

Mark Andersen with DWR provided the participants with an update on where we are in the FERC relicensing process. His presentation is included as Attachment 4 to this summary. Some of the anticipated highlights for early 2003 include interim study plan results on recreation and fishery studies, the distribution of Draft Scoping Document 2, and development of the process settlement framework. Mark also provided the participants with an overview of agenda items for upcoming Plenary Group meetings. He reminded everyone that the agenda items are preliminary and additional items could be added as they arise.

Plenary copies of Draft SD2 were distributed to the participants. Several participants asked if DWR was soliciting comments or distributing SD2 to the Plenary Group for information only. Ward Tabor

representing DWR reminded participants that draft portions of SD2 had been provided to the Plenary Group beginning in fall 2002, so much of the contents of this document has already been reviewed by the participants. Ward asked that corrections on factual inaccuracies be sent to DWR via the relicensing address, [orovillep2100@water.ca.gov](mailto:orovillep2100@water.ca.gov) by February 14, 2003; any substantive comments should be provided during the 60-day comment period that will begin when Draft SD2 is distributed to the public in February 2003. Mike Meinz representing the Department of Fish and Game asked why this Draft SD2 is smaller than SD1. Ward replied that the appendices will not be included in Draft SD2. Craig Jones representing the State Water Contractors asked if an electronic version would be available to assist in their review. Ward responded that the type of comments expected during this courtesy Plenary Group review should focus on grammatical or factual errors and should not require the use of redline-strikeout.

The Facilitator reminded the Plenary Group that abstracts covering the Work Group meetings held since the last Plenary Group meeting are provided with the Plenary Group meeting agenda. Meeting abstracts are provided as Attachment 5 to this summary. Participants were informed that meeting summaries for the last Plenary Group and Recreation and Socioeconomics Work Group meetings held in January 2003 had not yet been posted on the web site but would be shortly.

### **Action Items – January 7, 2003 Plenary Group Meeting**

The Facilitator reviewed the status of the action items from the January 7, 2003 Plenary Group meeting.

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|---------------------------|--|
| <b>Action Item #P106:</b> | Annotate study deliverables list to briefly identify deliverables.   |
| <b>Responsible:</b>       | DWR/Consulting Team  |
| <b>Status:</b>            | Mark Andersen with DWR distributed a summary showing the tentative study plan reports that are scheduled for delivery February through May 2003. A copy of the summary is included as Attachment 6. Sharon Stohrer, SWRCB, asked if there is a list of the interim reports and progress documents that have been delivered to date but not included on the summary. Mark responded that an earlier summary provided deliverables for December and January and DWR could provide a list of study deliverables that preceded December. |
|                           |  |
| <b>Action Item #P109:</b> | E-mail draft meeting schedule to participants.   |
| <b>Responsible:</b>       | Facilitator  |
| <b>Status:</b>            | The Facilitator e-mailed the schedule on January 7, 2003.  |
|                           |  |
| <b>Action Item #P110:</b> | Follow-up with Patrick Porgans, representing JEM Farms, regarding potential future Plenary Group agenda topics for consideration by the Plenary Group.   |
| <b>Responsible:</b>       | Facilitator  |
| <b>Status:</b>            | The Facilitator stated she spoke with Patrick, and his suggestions for future agenda items would be discussed during the "Next Steps" portion of this meeting.   |
|                           |  |
| <b>Action Item #P111:</b> | Brief Jim Fargo with FERC on specific concerns of the collaborative regarding economics so he can focus his briefing and, if possible, provide his presentation in advance of the Plenary Group meeting.   |
| <b>Responsible:</b>       | DWR  |
| <b>Status:</b>            | Jim was briefed on Plenary Group concerns and decided to present FERC's approach to economics in two parts over two Plenary Group meetings. The Facilitator explained today will include an overview by Jim via telephone followed by time for participants' questions while the February Plenary Group meeting agenda will include responses by FERC to the questions raised.   |

## **Flood Management Presentation**

Ward Tabor with DWR began the Flood Management presentation by stating his goal was to provide the group with background information on the role of the Oroville facilities in flood management that is not relicensing related. He described the roles of local and State agencies and provided a historical overview of flood management in the Sacramento Valley. The Flood Management Presentation outline is included as Attachment 7 to this summary.

Brett Whitin representing the U.S. Army Corps of Engineers provided participants with a brief overview of the history of USACE involvement with Oroville Dam. He explained historic flooding and the eventual Congressional authorization for federal involvement and capital contributions to Oroville and described the USACE Water Control Manual for Oroville. His presentation is included as Attachment 8 to this summary.

Curtis Creel and Gary Bardini representing DWR provided an overview of the Oroville Facilities flood operations. They described their hydrology/forecasting efforts and inflow forecast efforts and presented an organization chart outlining the federal, State, and local cooperating agencies involved in flood operations. Their presentation is included as Attachment 9 to this summary.

Craig Gaines with the USACE described the development and formulation of comprehensive plans for flood control and environmental restoration purposes. Craig discussed the background and guiding principles of the Comprehensive Plan and the Interim Report completion schedule. His presentation is included as Attachment 10 to this summary.

Herb Greydanus representing the Proposition 13 Yuba-Feather Program described the Yuba-Feather Supplemental Flood Control Project. Herb discussed the need for supplemental flood control, the proposed actions, and the schedule for distribution of various documents. His presentation is included as Attachment 11 to this summary.

Rashid Ahmad representing DWR described the objective of Study Plan E4 – Flood Management Study, the DWR resources involved, and the anticipated completion date of the study. He also provided an overview of flood issues and the role of relicensing in flood management. His presentation is included as Attachment 12 to this summary.

Following the presentations, all speakers fielded questions from the participants. Patrick Porgans, representing JEM Farms, asked what steps USACE takes when a Section 7 operator is out of compliance. Paul Pugner with USACE responded that when an agency is out of compliance, USACE would contact that agency. If the agency does not agree, USACE will send the Section 7 operator a “non-compliance” letter. Paul stated that this letter could trigger additional liability for the operator. Eric Theiss, representing National Marine Fisheries Service, asked if levee setbacks are under consideration at the Starbend area. Herb Greydanus replied that setbacks in Sutter County (near East Nicolaus) are unlikely due to the location of Highway 99; any setbacks would require a very long bridge. Eric asked if there are any levee setback proposals related to FERC. DWR stated that levee setbacks had not been considered. Eric asked what steps he needed to take if he wanted to propose them and the Facilitator suggested that the PM&E process would be appropriate for proposals such as this.

Bill Lewis, representing Yuba City asked when the USACE Water Control Manual would be updated. Brett Whitin replied that once funded it should take them approximately one year to complete the update. He added that the update would focus on technical information and there would be no changes to flood operations. Paul Pugner clarified that changes to flood operations would require direction by Congress. Richard Roos-Collins asked if DWR plans to propose changes to flood operations in the Preliminary Draft Environmental Assessment. Ralph Torres with

DWR asked to defer that question until June 2003, pending the updated frequency/flow data. Mike Mainz with DFG asked if FERC has any authority on levee setbacks. Paul Pugner responded that FERC has no authority on levee setbacks. He added that his understanding of FERC direction indicates “you cannot make things worse than they were before.” Patrick Porgans asked if a standard project flood did occur, would Oroville Dam provide protection. Paul replied that under the 1997 conditions, there would of course be protection afforded by Oroville but there would be some overflow.

### **FERC Approach to Economics – Introduction**

Jim Fargo, representing the Federal Energy Regulatory Commission, stated that today's presentation would consist of an overview discussion of FERC's approach to economics on multi-use projects. The group was reminded that the presentation would take place in two parts, with today's presentation concentrating on gathering a list of specific economic questions, which the Facilitator would record on flip charts and then forward to Jim as soon as possible. Jim also invited individuals to e-mail their questions directly to him at [james.fargo@ferc.gov](mailto:james.fargo@ferc.gov) and asked participants to be as specific as possible on the questions as it would facilitate better answers. He also noted that Oroville is among one of the most complicated facilities for relicensing due to its multi-purpose nature.

Roger Masuda representing Butte County suggested that it would be helpful to get any presentation material in advance of the February Plenary Group meeting and asked if Jim could provide a recent example of how power value is determined (i.e., power benefit calculations). The Facilitator asked Jim to provide economic examples from other multi-use projects, if possible. The questions recorded by the Facilitator and presented to Jim Fargo are included in the flip chart notes (Attachment 3).

Richard Roos-Collins asked how PM&E measures under consideration would affect State Water Project revenues and whether SWC currently pay for power separately. Ralph Torres with DWR replied that the State Water Project is a net power user and that net costs are passed on to the SWC. Ward Tabor with DWR offered that PM&E measures could be capitalized and could well be the subject of a revenue bond issue. He added if less power were produced, the SWC would see an increase in the cost of power.

### **Process Task Force Update**

Anna West with the consulting team provided a Process Task Force update to Plenary Group participants. Her presentation is included as Attachment 13 to this summary. Anna gave an overview of current issues being discussed by the task force, noted the proposed terminology change from “PM&E” to “Resource Action” and distributed a draft Resource Action Identification form and completed sample. The Resource Action Identification form and sample are included as Attachments 14 and 15, respectively.

Ron Davis representing CSHA stated that the task force had not agreed to the terminology change from PM&E measures to Resource Action developments and suggested this decision was made in a closed-door meeting. Nan Nalder representing the SWC stated that the California Environmental Quality Act separates mitigation from enhancements so we could avoid confusion and would be in compliance with CEQA if we refer to them as Resource Actions. Ron also questioned the accuracy of Anna's Task Force status report and suggested the stage of development of the task force deliverables was not as far along as depicted in the update. Richard Roos-Collins agreed that while all members of the task force did not agree to the terminology presented, he also felt that the task force participants were making things more difficult than they needed to and should re-focus

their efforts to the tasks assigned them by the collaborative. Anna reminded the group that the next Process Task Force meeting would begin immediately following this Plenary Group meeting. The Facilitator asked the Plenary Group to review the documents provided and be prepared to provide comments or approve them at their next meeting.

### **Next Steps**

The Facilitator reminded the participants that one task of the Modeling Protocols Task Force was to prepare summaries of the models which would be used during the relicensing. The Facilitator distributed the first group of summaries that focuses on operation models. A copy of the Draft Operations Model Documentation is included as Attachment 16 to this summary. The Facilitator told the participants that a second set of summaries are targeted for March and would include the IFIM model, IMPLAN, Fluvial 12 and temperature model methodology. Participants were asked to submit any comments or questions to Curtis Creel of DWR. Richard Roos-Collins asked if the Model Protocols Task Force would “sunset” when the summaries are completed. The Facilitator replied that her understanding of the tasks assigned to the task force would suggest it go “dormant” or on stand-by to be available if other modeling issues arose.

The Facilitator presented the participants with a copy of an e-mail she received from Patrick Porgans. Patrick explained that the e-mail was a condensed version of e-mails sent to the Facilitator in October and December 2002, and January 2003 and contained a list of items suggested for discussion at future meetings. Patrick explained that they were thoughts that had come up during his involvement in the relicensing process. The Facilitator added that several of them seem to be a “check” on how we are doing in the process; to see if there are things we can do differently. After some discussion, the participants agreed that it would be a good idea to allow time at the next Plenary Group meeting to discuss these issues. Richard Roos-Collins suggested that we should assume the issues are valid and come ready to provide suggestions for resolution of the issues rather than spend time arguing whether an issue is valid. He also suggested that participants provide suggested revisions to the Process Protocols to address the issues. Ron Davis pointed out that some of the issues are not covered in the Process Protocols and Richard suggested in that case a participant could provide suggested additions. The participants agreed to bring suggestions to address the issues raised.

### **Next Meeting**

The Plenary Group agreed to meet on:

Date: February 25, 2003

Time: 5 pm to 9 pm (beginning time may be adjusted)

Location: Kelly Ridge Golf Course Meeting Room, 5131 Royal Oaks Drive, Oroville, CA

### **Action Items**

The following action items identified by the Plenary Group include a description of the action, the participant responsible for the action, and due date.

<b>Action Item #P112:</b>	Provide list of deliverables that pre-date the updates (pre-December 2002).
<b>Responsible:</b>	DWR
<b>Due Date:</b>	February 25, 2003

**Action Item #P113:** Provide questions regarding FERC approach to economics to Jim Fargo.  
**Responsible:** Facilitator  
**Due Date:** January 30, 2003

**Action Item #P114:** Provide comments to Process Task Force on Resource Actions Identification form.  
**Responsible:** Participants  
**Due Date:** February 25, 2003

**Action Item #P115:** Comments on modeling summaries to Curtis Creel, DWR.  
**Responsible:** Participants  
**Due Date:** February 25, 2003

**Action Item #P116:** Provide suggestions to address issues related to health of the collaborative. Use Process Protocols as a basis to provide revisions/additions.  
**Responsible:** Participants  
**Due Date:** February 25, 2003